

# House File 462 - Introduced

HOUSE FILE \_\_\_\_\_  
BY SMITH

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the authority of the mental health, mental  
2 retardation, developmental disabilities, and brain injury  
3 commission to approve certain rules affecting disability  
4 programs and services.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 1661HH 82  
7 jp/es/88

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1 1 Section 1. Section 225C.6, subsection 1, paragraph b, Code  
2 2007, is amended to read as follows:  
3 b. Adopt necessary rules pursuant to chapter 17A which  
4 relate to disability programs and services, including but not  
5 limited to definitions of each disability included within the  
6 term "disability services" as necessary for purposes of state,  
7 county, and regional planning, programs, and services. If a  
8 rule affecting disability programs and services is subject to  
9 adoption by the council on human services or another state  
10 body, the rule shall not be adopted until the commission has  
11 reviewed, revised, and approved the final version of the rule.

1 12 Sec. 2. Section 225C.6, subsection 1, paragraph e, Code  
1 13 2007, is amended to read as follows:  
1 14 e. Unless another governmental body sets standards for a  
1 15 service available to persons with disabilities, adopt state  
1 16 standards for that service. The commission shall provide that  
1 17 a service provider's compliance with standards for a service  
1 18 set by a nationally recognized body shall be deemed to be in  
1 19 compliance with the state standards adopted by the commission  
1 20 for that service. The commission shall adopt state standards  
1 21 for those residential and community-based providers of  
1 22 services to persons with mental illness or developmental  
1 23 disabilities that are not otherwise subject to licensure by  
1 24 the department of human services or department of inspections  
1 25 and appeals, including but not limited to services payable  
1 26 under the ~~adult rehabilitation option of the medical~~  
1 27 assistance program and ~~other disability~~ services payable from  
1 28 funds credited to a county mental health, mental retardation,  
1 29 and developmental disabilities services fund created in  
1 30 section 331.424A. In addition, the commission shall review  
1 31 the licensing standards used by the department of human  
1 32 services or department of inspections and appeals for those  
1 33 facilities providing services to persons with mental illness  
1 34 or developmental disabilities. If a rule affecting disability  
1 35 programs and services is subject to adoption by the council on  
2 1 human services or another state body, the rule shall not be  
2 2 adopted until the commission has reviewed, revised, and  
2 3 approved the final version of the rule.

2 4 Sec. 3. Section 225C.49, subsection 1, Code 2007, is  
2 5 amended to read as follows:  
2 6 1. The department shall provide coordination of the  
2 7 programs administered by the department which serve  
2 8 individuals with a disability and the individuals' families,  
2 9 including but not limited to the following juvenile justice  
2 10 and child welfare services: family-centered and intensive  
2 11 family preservation services described under section 232.102,  
2 12 decategorization of child welfare funding provided for under  
2 13 section 232.188, and foster care services paid under section  
2 14 234.35, subsection 3. The department shall regularly review  
2 15 administrative rules associated with such programs and make  
2 16 recommendations to the commission, council on human services,  
2 17 governor, and general assembly for revisions to remove  
2 18 barriers to the programs for individuals with a disability and

2 19 the individuals' families including the following:  
2 20 a. Eligibility prerequisites which require declaring the  
2 21 individual at risk of abuse, neglect, or out-of-home  
2 22 placement.  
2 23 b. Time limits on services which restrict addressing  
2 24 ongoing needs of individuals with a disability and their  
2 25 families.  
2 26 Sec. 4. Section 249A.12, subsection 5, paragraph b, Code  
2 27 2007, is amended to read as follows:  
2 28 b. In implementing the provisions of this subsection, the  
2 29 mental health, mental retardation, developmental disabilities,  
2 30 and brain injury commission shall consult with other states.  
2 31 The waiver revision request or other action necessary to  
2 32 assist in the transition of service provision from  
2 33 intermediate care facilities for persons with mental  
2 34 retardation to alternative programs shall be implemented by  
2 35 the department in a manner that can appropriately meet the  
3 1 needs of individuals at an overall lower cost to counties, the  
3 2 federal government, and the state. In addition, the  
3 3 department shall take into consideration significant federal  
3 4 changes to the medical assistance program in formulating the  
3 5 department's actions under this subsection. The department  
~~3 6 shall consult with the mental health, mental retardation,~~  
~~3 7 developmental disabilities, and brain injury commission in~~  
~~3 8 adopting shall review, revise, and approve the final version~~  
~~3 9 of rules for oversight of facilities converted pursuant to~~  
3 10 this subsection, prior to adoption of the rules. A transition  
3 11 approach described in paragraph "a" may be modified as  
3 12 necessary to obtain federal waiver approval.

3 13 EXPLANATION

3 14 This bill relates to the authority of the mental health,  
3 15 mental retardation, developmental disabilities, and brain  
3 16 injury commission to approve certain rules.  
3 17 Existing law in Code section 225C.6, relating to the  
3 18 commission's duties, provides authority to the commission to  
3 19 adopt rules regarding services and other support available to  
3 20 a person with mental illness, mental retardation or other  
3 21 developmental disability, or brain injury. The bill provides  
3 22 that if a rule affecting such services is subject to adoption  
3 23 by the council on human services or other state body, the rule  
3 24 cannot be adopted until the commission has reviewed, revised,  
3 25 and approved the final version of the rule.

3 26 The bill inserts this requirement in a second paragraph of  
3 27 Code section 225C.6 involving adoption of standards for  
3 28 facilities providing services to persons with disabilities and  
3 29 in a Code section 249A.12 requirement involving the transition  
3 30 to alternatives to intermediate care facilities for persons  
3 31 with mental retardation services. The scope of the Code  
3 32 section 225C.6 provision is also amended to explicitly include  
3 33 the medical assistance (Medicaid) program and county service  
3 34 provisions involving disability services and to strike a  
3 35 reference to the rehabilitation option under the Medicaid  
4 1 program that is no longer available.

4 2 The bill amends a Code section 225C.49 requirement for the  
4 3 department of human services to make recommendations to a list  
4 4 of various bodies and persons regarding revisions needed to  
4 5 remove barriers for individuals with a disability to include  
4 6 the commission in the list of those receiving the  
4 7 recommendations.

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